



02 AUG 2007

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In re Application of
ROOS *et al*
U.S. Application No.: 10/596,385
PCT No.: PCT/IB04/52762
Int. Filing Date: 10 December 2004
Priority Date: 11 December 2003
Attorney Docket No.: 72824-82894
For: METHOD AND SYSTEM FOR
REMOTEY AUTOMATED CROSS-
CONNECTS IN TELECOM
NETWORKS

**DECISION ON
PAPERS FILED
UNDER 37 CFR 1.42**

This is a decision on the declaration filed on 31 May 2007 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 04 April 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath/declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee must be provided. Applicants were given two months to respond.

On 31 May 2006, applicants submitted a declaration signed by one of the two named inventors and the legal representative of the deceased inventor and a \$65.00 surcharge fee.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The citizenship, residence and address of all inventors are listed on the declaration pursuant to 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1). Moreover, the citizenship, residence and address of the legal representative of the deceased inventor

10/596,385

are also recorded on the declaration as required by 37 CFR 1.497(b)(2).

However, the declaration is defective because it is a composite declaration. As submitted, the declaration consists of three pages, *i.e.*, one Page 1 of 1 and two Page 2 of 2. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. By providing only a partial declaration, it is not clear what inventive entity was listed on the declaration signed by each co-inventor. Applicants must submit the complete declaration signed by each co-inventor.

CONCLUSION

For the reasons listed above, applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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